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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,912	07/26/1999	ELI TZIRKEL-HANCOCK	1263.0412-D1	3440

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 04/01/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/359,912

Applicant(s)

TZIRKEL-HANCOCK ET AL.

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-85 and 88-150 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 64, 66, 67, 90, 92, 93, 113, 115, 116, 132, 135, 137 and 138 is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 65, 70, 91, 96, 114, 119, 142, 146 and 150 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims rejected are 63,68,69,71-85,88,89,94,95,97-112,117,118,120-131,133,134,136,139-141,143-145,148 and 149.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on October 1, 2002 has been entered.

The indicated allowability of claims 63, 68-69, 71-85, 88-89, 94-95, 97-112, 117-118, 120-131, 133-134, 136, is withdrawn in view of the newly discovered reference(s) to Matthews et al (US Patent No. 4,757,525) and Klausner et al (US Patent No. 5,524,140). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 63, 68-69, 71-85, 88-89, 94-95, 97-112, 117-118, 120-131, 133-134, 136, 139-141, 143-145, and 147-149 are rejected under 35 U.S.C. 103(a) as being unpatentable over

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Matthews et al (US Patent No. 4,757,525), hereinafter referred to as Matthews, in view of Klausner et al (US Patent No. 5,524,140), hereinafter referred to as Klausner.

Matthews teaches an electronic audio communications system with voice command features.

3. Regarding claims 63, 69, 77, 80, 139, Matthews teaches a control system for controlling a telephony system, comprising:

a speech recognition user interface for allowing a user to input speech commands for controlling the telephony system, said speech recognition user interface comprising: (i) means for receiving an input speech command; (ii) means for storing a plurality of reference word models; (iii) means for comparing the input speech command with the stored reference word models to generate a recognition result; and control means, responsive to the recognition result generated by said speech recognition user interface, for controlling the telephony system in accordance with the input speech command; (Abstract; col. 2, line 30 continuing to col. 4, line 7; col. 8, line 37 continuing to col. 9, line 49; col. 36, line 37 continuing to col. 39, line 33; col. 70, line 59 continuing to col. 71, line 25; col. 77, lines 46-67)

wherein said control means controls the telephony system so as to reproduce a stored message using the recognition result generated by said speech recognition user interface; wherein said message is stored with an identifier for identifying the caller that has left the message; (col. 70, line 59 continuing to col. 71, line 25; col. 77, lines 46-67).

Matthews does not teach the control means is operable to display a list of messages to be reproduced upon instruction to reproduce the message identified by said identifier. However,

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displaying a list of messages to be reproduced by an identifier in a telephone system was well known.

Klausner teaches a telephone answering device linking displayed data with recorded audio messages in which the device displays the identity and telephone number of the callers of each message which enables the user to access messages in a selective manner based on the identity of the caller (abstract, Figures 1, 9, 12, 15, 18-19, col. 2, line 42 continuing to col. 3, line 16).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the telephony system of Matthews to display the identity of the callers of each message which enables the user to access messages in a selective manner based on the identity of the caller, as taught by Klausner, to enable the user to view who has left a message and the telephone number or other contact information of the caller.

Regarding claim 68, Matthews teaches the control means further comprises interpretation means for interpreting the recognition result, which uses a factory set pre-stored dictionary (col. 9, lines 13-39).

Regarding claims 71-72 and 140, Matthews does not specifically teach the speech recognition user interface comprises means for training said speech recognition user interface to recognize new speech commands or means for receiving a new input speech command comprising two or more whole words; means for generating a word model for each of the words contained within the new input speech command, if they do not already exist; and means for adapting a language model used by said speech recognition user interface to accommodate the

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new speech command. However, capabilities to add new speech commands and generate models or templates for new commands was well known in the art of speech recognition.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the telephony system of Matthews to provide for capabilities to add new speech commands and generate models or templates for new commands, so as to allow for voice command control to command/functionality upgrades and updates to the system.

Regarding claim 73, Matthews teaches each user has an associated set of reference word models (col. 2, line 30 continuing to col. 4, line 7; col. 8, line 37 continuing to col. 9, line 49).

Regarding claim 74, Matthews teaches control means is provided in a local exchange (col. 6, line 38 continuing to col. 7, line 39).

Regarding claim 75, Matthews teaches a number of communication devices for use by users of the telephony system, which are interconnected via a local exchange (col. 6, line 38 continuing to col. 7, line 39; col. 74, lines 23-62).

Regarding claim 76, Matthews teaches the control means is operable to communicate with each of the users via the respective communication devices, information representative of the current status of the system (col. 6, line 38 continuing to col. 7, line 39; col. 74, lines 23-62; col. 101, lines 3-51).

Regarding claim 78, Matthews teaches the local exchange is connected to the public exchange so that users connected to the local exchange can communicate with remote users on the public exchange and vice versa (col. 6, line 38 continuing to col. 7, line 39; col. 74, lines 23-62).

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Regarding claim 79, Matthews teaches a mailbox facility, which is operable to store messages for users of the system left by callers, when the users are unable to take the calls (col. 2, line 30 continuing to col. 4, line 7).

Regarding claim 81, Matthews teaches the speech recognition user interface includes a command that allows users to request the mail box facility to replay messages from a particular caller (col. 2, line 30 continuing to col. 4, line 7; col. 8, line 37 continuing to col. 9, line 49; col. 70, line 59 continuing to col. 71, line 25; col. 77, lines 46-67).

Regarding claim 82, Matthews teaches after replaying one of a plurality of selected messages a user can access other telephony services and return and replay the remaining selected messages after using those other telephony services (col. 77, lines 8-67).

Regarding claim 83, Matthews teaches means for sharing use of said speech recognition user interface and said control means between a number of different users (col. 74, lines 23-62).

Regarding claim 84, Matthews teaches a plurality of speech recognition user interfaces and a plurality of execution means for simultaneous use by a plurality of different users (col. 2, line 30 continuing to col. 4, line 7; col. 8, line 37 continuing to col. 9, line 49; col. 70, line 59 continuing to col. 71, line 25; col. 77, lines 46-67; col. 74, lines 23-62).

Regarding claim 85, Matthews teaches the control system is provided in a communication device (col. 2, line 30 continuing to col. 4, line 7; col. 8, line 37 continuing to col. 9, line 49; col. 70, line 59 continuing to col. 71, line 25; col. 77, lines 46-67; col. 74, lines 23-62).

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Regarding claim 141, Matthews teaches the control means is operable to control the telephony system to notify the user when all messages identified by said identifier are reproduced (col. 37, line 16 continuing to col. 39, line 33).

4. Claims 88, 89, 94-95, 97-111, and 143-145 are directed towards systems similar in scope and content of claims 63, 68-69, 71-85 and 139-141, and are therefore rejected under similar rationale.

5. Claims 112, 117-118, 120-130, and 147-149 are method claims similar in scope and content of the system claims of 63, 68-69, 71-85 and 139-141, and are therefore rejected under similar rationale.

6. Claims 131 and 133 are directed towards a computer readable medium containing process steps similar in scope and content to the system of claims of 63, 68-69, 71-85 and 139-141, and are therefore rejected under similar rationale.

7. Claims 134 and 136 are directed towards a computer executable program for controlling or providing a telephony system containing instructions steps similar in scope and content to the system of claims of 63, 68-69, 71-85 and 139-141, and are therefore rejected under similar rationale.

Allowable Subject Matter

8. Claims 65, 70, 91, 96, 114, 119, 142, 146, and 150 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 64, 66-67, 90, 92-93, 113, 115-116, 132, 135, and 137-138 are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A. Armstrong
Examiner
Art Unit 2654

AAA
February 22, 2004


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER